

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

76

O.A. NO. 735/91

Date of Decision : 30.10.1992

Shri Balbir Singh

...Applicant

Vs.

Dy. Commissioner of Police  
Head Quarter (iii), M.S.O. Bldg.,  
I.P. Estate, New Delhi.

...Respondent

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...In person

For the Respondent

...Shri Jagdish Vats

1. Whether Reporters of local papers may be allowed to see the Judgement? ys
2. To be referred to the Reporter or not? ys

JUDGEMENT

The applicant is Sub Inspector, now working as Inspector in Delhi Police and is aggrieved by non allotment of quarter No.C-2, Type III at Police Station Sarai Rohilla, though he applied for the same on 28.2.1991 to the Deputy Commissioner of Police. The applicant has prayed that the aforesaid quarter be allotted to him.

2. The respondent contested the application and stated that looking to the needs of the applicant and the genuine difficulty which he has been facing in the <sup>↓</sup>earst while residence, he has been allotted Type-III quarter No.C-15, Police Station Shalimar Bagh. The applicant is not

satisfied and did not honour the allotment order nor occupied the said quarter and has filed the present application without any basis.

3. The applicant argued his case in person and argued that he is entitled to the allotment of the quarter as per Standing Order No.3/91 issued by the Office of Commissioner of Police, Delhi dt. 21.2.1991. The applicant has highlighted sub-paras (a) and (c) of para-(x) of the said Standing Order. He also referred to part-(i) and (ii) of sub-para (IV) of Maintenance of Waiting List. All these are quoted below :-

"(x) (a) 'Priority date' of a Govt. servant in relation to a type of residence to which a Govt. servant is eligible under the provisions of para-V of these rules in respect of Govt. accommodation of type-IV or above means the earliest date from which he has been continuously drawing emoluments relevant to a particular type. The priority date for selection grade ACSP shall be based on the earlier date from which they began to draw a salary of Rs.3000/- p.m.

(c) If two or more officials have the same priority date, priority date amongst them shall be determined by seniority in rank."

"(IV)(i) For the allotment of residential accommodation in various categories, as stated in para V above, the following lists in Computer shall be maintained in the Quarter Allotment Cell of the Police Headquarters:-

- (a) Regular allotment list.
- (b) Out of turn allotment list.
- (c) Change of residence list.

le

12

(ii) Applications for the allotment of Quarters of type 'A', 'B', 'C' & 'D' received in the Quarter Allotment Cell of PHQ shall be ordered to be feeded in the Computer by the Inspector, incharge of the Allotment Cell. As regards applications for type E and above or out of turn allotment/change of accommodation on medical grounds these will be decided by the Allotment Officer."

The applicant has also argued that the said quarter has been allotted to one Shri Hari Ram, Sub Inspector who is junior to him in seniority.

4. I have gone through the above referred to paras of the Standing Order No.3/91. The choice of the applicant fell on quarter No.C-II, Type-III, P.S. Sarai Rohilla which was earlier occupied by Sub-Inspector, Shri Atam Dev Singh, who retired on superannuation, but he vacated the quarter subsequently. The case of the applicant is that when the outgoing tenant, Shri Atam Dev Singh vacated the quarter, then he had already applied for the allotment of this quarter on 28.2.1991. The fact that Shri Atam Dev Singh retired in October, 1990 is not denied by the applicant. The other grievance of the applicant is that SI Hari Ram had already been in occupation of Type-II quarter in his possession and so he could not have been considered for allotment of Quarter

No.C-II Sarai Rohilla. However, the grievance of the applicant arose on 28.2.1991 when he applied for the allotment of this quarter, but as per the averment in the counter, Shri Hari Ram, Sub Inspector had already been allotted this quarter by the Order No.9145-50/Q.A-Cell PHQ dt. 18.12.1990. It is also averred in the counter that the name of the applicant was not on the waiting list for allotment of Type-III quarter because he did not apply earlier. As per his own admission as well as averment in the OA, the applicant applied for the allotment of this quarter in February, 1991. So there arises no question of revoking the earlier order in favour of Shri Hari Ram. Shri Hari Ram has also not been impleaded as a party in this case. The respondent has not at all <sup>the</sup> contravened Order No.3/91 and rather extended a sympathetic attitude towards the applicant by considering his case on priority basis and providing him with the same type of accommodation in Shalimar Bagh. The applicant cannot have to himself a particular liking for a quarter if his need of eligible type of quarter is fairly considered by the respondent. In any case since the quarter was not available

be

(14)

for allotment to the applicant in February, 1991, there was no occasion for the applicant to apply for that quarter, though it might not have been vacated by the outgoing tenant/licencee, Shri Atam Dev Singh, SI. In view of the above facts, the respondents have fully considered the case of the applicant for allotment of Type-III accommodation on priority basis as well as that he belonged to SC category also. The respondents, however, have further brought on waiting list for the allotment of Type-III quarter at P.S. Sarai Rohilla by the order dt. 21.3.1991 as averred in para-6 of the counter. The respondents have also in the counter in para 8(i) have stated that the case of the applicant will be considered as and when any unit falls vacant there.

5. In view of the above facts and circumstances, I find that the present application is totally devoid of merit and is dismissed leaving the parties to bear their own costs.

AKS

*J.P. Sharma*  
30/10/91  
(J.P. SHARMA)  
MEMBER (J)